



## Senate

General Assembly

**File No. 677**

January Session, 2009

Substitute Senate Bill No. 1126

*Senate, April 16, 2009*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING LAND RECORDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-174 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 Any person, as owner in whole or in part of, or fiduciary having  
4 control of, or interest in, any real estate, may file with the tax collector,  
5 at any time within ninety days from the date when the first installment  
6 of a tax, or the whole tax in case installments are not authorized, has  
7 become due, and within thirty days from the date when the second or  
8 any succeeding installment of a tax, all previous installments of which  
9 have been paid, has become due, an affidavit showing in detail the  
10 existence of unusual financial or other circumstances which justify  
11 deferring collection of the tax laid upon such real estate. On receipt of  
12 such affidavit, which shall request that the collection of such tax be  
13 deferred, the tax collector shall, with [his] the tax collector's  
14 recommendations thereon, refer the same to the selectmen if a town  
15 not consolidated with a city or borough, to the common council or

16 mayor and board of aldermen if a city, to the warden and burgesses if  
17 a borough or to the governing board if any other municipality, for  
18 authority to continue the lien securing such tax for a period not  
19 exceeding fifteen years. If action granting such authority is taken  
20 within sixty days from the receipt thereof, but not otherwise, the tax  
21 collector shall make out and file, within the first year after the first  
22 installment of the tax, or the whole tax in case installment payments  
23 are not authorized, has become due, a certificate containing the  
24 information required in section 12-173, and the town clerk shall record  
25 such certificate; provided, (1) the tax collector shall notify the owner of  
26 such real estate of the intent to file a lien by mail not later than fifteen  
27 days prior to the filing of such lien, and (2) if such affidavit is  
28 approved with respect to any installment, the succeeding installments,  
29 if any, shall become due and payable from the due date of such  
30 installment, and such certificate shall be made out and recorded to  
31 secure payment of all unpaid installments of such tax. Failure to notify  
32 such owner of the intent to file a lien shall not affect the validity of the  
33 lien. Each tax, the lien for which has been continued by certificate  
34 under the provisions of this section, shall not be subject to interest as  
35 provided by section 12-146. Each lien continued by certificate under  
36 the provisions of this section shall be subject to foreclosure at any time,  
37 but shall be invalid after the expiration of fifteen years from the date of  
38 recording the certificate continuing the same, unless an action of  
39 foreclosure has been commenced within such time. After the  
40 expiration of such period of fifteen years, if such action has not been  
41 commenced, the [town clerk] tax collector then in office shall, upon the  
42 request of any interested person, discharge such lien of record by  
43 [noting on the margin thereof the words "Discharged by operation of  
44 law", together with the date and his signature] recording a discharge of  
45 lien in the office of the town clerk of the town in which such real estate  
46 is situated.

47 Sec. 2. Section 12-175 of the general statutes is repealed and the  
48 following is substituted in lieu thereof (*Effective October 1, 2009*):

49 In addition to the method of procuring the continuance of the lien

50 provided in section 12-174, as amended by this act, the tax collector of  
51 any municipality may continue any tax lien upon any item of real  
52 estate by making out a certificate containing the information required  
53 by the provisions of section 12-173. Each certificate authorized by the  
54 provisions of this section shall be filed in the office of the town clerk of  
55 the town in which such real estate is situated not later than two years  
56 after the first installment of the tax, or the whole tax in case installment  
57 payments are not authorized, has become due, and the town clerk shall  
58 record such certificate in the land records of such town, provided the  
59 tax collector shall notify the owner of such real estate of the intent to  
60 file a lien by mail not later than fifteen days prior to the filing of such  
61 lien. Failure to notify such owner shall not affect the validity of the  
62 lien. Each such tax, as it may have been increased by interest, fees and  
63 charges provided for by law, shall remain a lien upon such real estate  
64 from the date of the filing of such certificate; and any tax lien so  
65 continued, when the amount due has been paid, may be discharged by  
66 a certificate of the then tax collector [of taxes] recorded in such land  
67 records; but any tax lien upon private property which has been  
68 recorded in the land records of any town for more than fifteen years  
69 from the due date of the tax shall be invalid, and such property shall  
70 be free from the encumbrance of such lien, unless an action of  
71 foreclosure has been commenced during such period of fifteen years  
72 and a notice of lis pendens filed for record, and the [town clerk] tax  
73 collector shall, if no such notice has been filed, upon the request of any  
74 interested person, discharge such lien of record by [noting on the  
75 margin of such record the words, "Discharged by operation of law"]  
76 recording a discharge of lien in the office of the town clerk of the town  
77 in which such property is situated.

78 Sec. 3. Section 47-70a of the general statutes is repealed and the  
79 following is substituted in lieu thereof (*Effective October 1, 2009*):

80 (a) The declaration shall be amended only by vote of two-thirds of  
81 the unit owners, and the bylaws shall be amended by vote of a  
82 majority of unit owners, at any meeting of the unit owners' association  
83 duly called for either purpose, following written notice to all unit

84 owners and their mortgagees appearing on the records of the  
85 association, except that if such amendment whether of the declaration  
86 or of the bylaws directly or indirectly changes the boundaries of any  
87 unit, the undivided interest in the common elements appertaining  
88 thereto, the liability for common elements appertaining thereto, the  
89 liability for common expenses or rights to common profits  
90 appertaining thereto, or the number of votes in the unit owners'  
91 association appertaining thereto, such amendment shall require the  
92 affirmative vote of seventy-five per cent of the unit owners and shall,  
93 in addition, require the consent of the mortgagees of at least seventy-  
94 five per cent of the units subject to mortgage.

95 (b) The declarant may require a unit owner or purchaser to execute  
96 and to deliver to the declarant a power of attorney or other document  
97 assigning to the declarant the right of a unit owner to vote on the  
98 amendment of condominium instruments pursuant to subsection (a) of  
99 this section, provided such power of attorney or other document shall  
100 be exercised or implemented only to amend the condominium  
101 instruments for the purpose of adding additional land in an  
102 expandable condominium pursuant to section 47-71a, and to reallocate  
103 the undivided interests in the common elements resulting from such  
104 expansion pursuant to subsection (c) of section 47-74, and the power of  
105 attorney or other document shall be expressly so limited.

106 (c) Notwithstanding any other provision of this chapter or the  
107 condominium instruments, the designation of the agent for the service  
108 of process named in the declaration may be changed from time to time  
109 by recording in the land records wherein the declaration is recorded  
110 the instrument for designation of an agent for service of process, which  
111 if the association is incorporated, shall be a copy of the instrument  
112 transmitted to the Secretary of the State or if not incorporated, an  
113 instrument including the same information as such an instrument for  
114 designation of agent. In addition, the instrument for designation shall  
115 refer to the volume and first page of the original condominium  
116 instruments, [and a marginal notation thereon shall be made by the  
117 town clerk of such change.]

118 Sec. 4. Section 47-270 of the general statutes is repealed and the  
119 following is substituted in lieu thereof (*Effective October 1, 2009*):

120 (a) Except in the case of a sale in which delivery of a public offering  
121 statement is required under either this chapter or chapter 825, or  
122 unless exempt under subsection (b) of section 47-262, a unit owner  
123 shall furnish to a purchaser or such purchaser's attorney, before the  
124 earlier of conveyance or transfer of the right to possession of a unit, a  
125 copy of the declaration, other than any surveys and plans, the bylaws,  
126 the rules or regulations of the association, and a certificate containing:  
127 (1) A statement disclosing the effect on the proposed disposition of any  
128 right of first refusal or other restraint on the free alienability of the unit  
129 held by the association; (2) a statement setting forth the amount of the  
130 periodic common expense assessment and any unpaid common  
131 expense or special assessment currently due and payable from the  
132 selling unit owner; (3) a statement of any other fees payable by the  
133 owner of the unit being sold; (4) a statement of any capital  
134 expenditures in excess of one thousand dollars approved by the  
135 executive board for the current and next succeeding fiscal year; (5) a  
136 statement of the amount of any reserves for capital expenditures; (6)  
137 the current operating budget of the association; (7) a statement of any  
138 unsatisfied judgments against the association and the existence of any  
139 pending suits in which the association is a defendant; (8) a statement of  
140 the insurance coverage provided for the benefit of unit owners; (9) a  
141 statement of any restrictions in the declaration affecting the amount  
142 that may be received by a unit owner on sale, condemnation, casualty  
143 loss to the unit or the common interest community or termination of  
144 the common interest community; (10) in a cooperative, an accountant's  
145 statement, if any was prepared, as to the deductibility for federal  
146 income tax purposes by the unit owner of real property taxes and  
147 interest paid by the association; (11) if the association is  
148 unincorporated, the name of the statutory agent for service of process  
149 filed with the Secretary of the State pursuant to section 47-244a; (12) a  
150 statement describing any pending sale or encumbrance of common  
151 elements; and (13) a statement disclosing the effect on the unit to be  
152 conveyed of any restrictions on the owner's right to use or occupy the

153 unit or to lease the unit to another person.

154 (b) (1) Not later than ten business days after receipt of a written  
155 request from a unit owner and payment by the unit owner of a fee  
156 established by the association that reflects the actual printing,  
157 photocopying and related costs, but in no event in excess of one  
158 hundred twenty-five dollars, for the preparation of the certificate and  
159 other documents, the association shall furnish a certificate containing  
160 the information necessary to enable the unit owner to comply with this  
161 section and any other documents required by this section. The  
162 association shall itemize the actual printing, photocopying and related  
163 costs and provide a list of the itemized costs to the unit owner with the  
164 certificate and documents. An additional fee of not more than ten  
165 dollars for expedited preparation may be established if the certificate  
166 and all required documents are furnished to the unit owner not later  
167 than three business days after the written request is received by the  
168 association. No fee under this subsection may include costs for services  
169 provided by an attorney or paralegal.

170 (2) A unit owner providing a certificate and documents pursuant to  
171 subsection (a) of this section is not liable to the purchaser for any  
172 erroneous information provided by the association and included in the  
173 certificate and documents.

174 (c) A purchaser is not liable for any unpaid assessment or fee greater  
175 than the amount set forth in the certificate prepared by the association.  
176 A unit owner is not liable to a purchaser for the failure or delay of the  
177 association to provide the certificate and documents in a timely  
178 manner, but the purchase contract is voidable by the purchaser until  
179 (1) the expiration of five days, excluding Saturdays, Sundays and legal  
180 holidays, after the certificate and documents have been delivered to  
181 such purchaser or such purchaser's attorney, or seven days, excluding  
182 Saturdays, Sundays and legal holidays, after the certificate and  
183 documents have been sent by registered or certified mail or mail  
184 evidenced by a certificate of mailing to such purchaser or such  
185 purchaser's attorney, or (2) conveyance, whichever first occurs.

186 (d) A dealer who offers a unit which he owns shall, in addition to  
187 the material provided to a purchaser or such purchaser's attorney  
188 under subsection (a) of this section, furnish to such purchaser or such  
189 purchaser's attorney a copy of any public offering statement that the  
190 dealer received at the time he purchased his unit.

191 (e) The association shall, during the month of January in each year,  
192 [file] record in the land records in the office of the town clerk of the  
193 municipality or municipalities where such common interest  
194 community is located a certificate setting forth the name and mailing  
195 address of the officer of the association or the managing agent from  
196 whom a resale certificate may be requested, and shall, thereafter, [file]  
197 record in the land records such a certificate within thirty days of any  
198 change in the name or address of such officer or agent. [The town clerk  
199 shall keep such certificate on file in his office and make it available for  
200 inspection.]

201 Sec. 5. Section 49-13 of the general statutes is repealed and the  
202 following is substituted in lieu thereof (*Effective October 1, 2009*):

203 (a) When the record title to real property is encumbered (1) by any  
204 undischarged mortgage, and (A) the mortgagor or those owning the  
205 mortgagor's interest therein have been in undisturbed possession of  
206 the property for at least six years after the expiration of the time  
207 limited in the mortgage for the full performance of the conditions  
208 thereof, and for six years next preceding the commencement of any  
209 action under this section, or (B) the promissory note or other written  
210 evidence of the indebtedness secured by the mortgage is payable on  
211 demand and seventeen years have passed without any payment on  
212 account of such note or other written evidence of indebtedness, or (C)  
213 the mortgage does not disclose the time when the note or indebtedness  
214 is payable or disclose the time for full performance of the conditions of  
215 the mortgage and ten years have passed without any payment on  
216 account of the promissory note or other written evidence of  
217 indebtedness, or (D) the note or evidence of indebtedness has been  
218 paid or a bona fide offer and tender of the payment has been made

219 pursuant to section 49-8, or (E) the mortgage has become invalid, and  
220 in any of such cases no release of the encumbrance to secure such note  
221 or evidence of indebtedness has been given, or (2) by a foreclosed  
222 mortgage and the mortgagor has made a bona fide offer and tender of  
223 payment of the foreclosure judgment on or before the mortgagor's law  
224 day and the mortgagee has refused to accept payment, or (3) by an  
225 attachment, lis pendens or other lien which has become of no effect,  
226 the person owning the property, or the equity in the property, may  
227 bring a petition to the superior court for the judicial district in which  
228 the property is situated, setting forth the facts and claiming a judgment  
229 as provided in this section. The plaintiff may also claim in the petition  
230 damages as set forth in section 49-8 if the plaintiff is aggrieved by the  
231 failure of the defendant to execute the release prescribed in said  
232 section.

233 (b) The petition shall be served upon all persons interested in the  
234 mortgage, attachment, lis pendens or other lien in the manner  
235 provided by law for process in civil actions and, in any action where  
236 the parties who may have an interest in the property and should be  
237 made parties thereto cannot be located by and are unknown to the  
238 petitioner in the action, the petitioner or the petitioner's attorney shall  
239 annex to the petition in the action an affidavit stating that the  
240 petitioner does not know who the interested parties are or where they  
241 reside, or, if the party interested in the property is a corporation whose  
242 corporate existence has been legally terminated, or the corporation is  
243 no longer in existence or doing business, and the petitioner or the  
244 petitioner's attorney states that fact in an affidavit, the court to which  
245 the action is brought or the clerk, assistant clerk or any judge thereof  
246 may make such order relative to the notice which shall be given in the  
247 cause as the court, clerk, assistant clerk or judge deems reasonable.

248 (c) Such notice having been given according to the order and duly  
249 proven, the court may proceed to a hearing of the cause at such time as  
250 it deems proper, and, if no evidence is offered of any payment on  
251 account of the debt secured by the mortgage within a period set out in  
252 subsection (a) of this section, or of any other act within such a period



253 as provided in said subsection (a) in recognition of its existence as a  
254 valid mortgage, or if the court finds the mortgage has been satisfied  
255 but no release given as evidence of such satisfaction, or if the court  
256 finds that a bona fide offer and tender of payment of the foreclosure  
257 judgment or mortgage has been made and refused, or if the court finds  
258 the attachment, lis pendens or other lien has become of no effect, the  
259 court may render a judgment reciting the facts and its findings in  
260 relation thereto and declaring the mortgage, foreclosure judgment,  
261 attachment, lis pendens or other lien invalid as a lien against the real  
262 estate, and may order payment of any balance of indebtedness due on  
263 the mortgage or foreclosure judgment to the clerk of the court to be  
264 held for the benefit of the mortgagee or the persons interested and to  
265 be paid to the mortgagee by the clerk of the court upon application of  
266 the mortgagee or persons interested following the execution of a  
267 release of mortgage.

268 (d) Upon deposit of the balance of indebtedness with the clerk, such  
269 judgment shall issue, which judgment shall, within thirty days  
270 thereafter, be recorded in the land records of the town in which the  
271 property is situated, and the encumbrance created by the mortgage,  
272 foreclosure judgment, attachment, lis pendens or other lien shall be  
273 null and void and totally discharged. [The town clerk of the town in  
274 which the real estate is situated shall, upon the request of any person  
275 interested, endorse on the record of the encumbrance or lien the words  
276 "discharged by judgment of the Superior Court", and list the volume  
277 and page number in the land records where the judgment is recorded.]

278 Sec. 6. Section 49-88 of the general statutes is repealed and the  
279 following is substituted in lieu thereof (*Effective October 1, 2009*):

280 A lien on real estate arising under the provisions of section 49-86  
281 shall not continue in force as a lien for a longer period than fifteen  
282 years after the date thereof unless within said period an action on the  
283 bond in connection with which the notice of lien was filed has been  
284 prosecuted to effect and a judgment lien against the surety filed  
285 according to law. All liens on real estate which have expired under the

286 provisions of this section shall be deemed dissolved and the real estate  
287 shall be free from any lien or encumbrance by reason of the same and  
288 the town clerk of the town in which the real estate is situated shall,  
289 upon the request of any person interested, [endorse on the record of  
290 the notice of lien the words "discharged by operation of law"]  
291 discharge such lien of record by recording a discharge of lien.

292 Sec. 7. Section 49-90 of the general statutes is repealed and the  
293 following is substituted in lieu thereof (*Effective October 1, 2009*):

294 If any lien arising under the provisions of section 49-86 has been  
295 made and the plaintiff has withdrawn his suit or has been nonsuited or  
296 final judgment has been rendered against him, or if such suit has not  
297 been returned, or if for any reason such lien has become of no effect,  
298 the clerk of the court to which such suit has been made returnable  
299 shall, upon the request of any person interested, issue a certificate in  
300 accordance with the facts, which certificate may be [filed] recorded in  
301 the office of the town clerk [, and such town clerk shall note on the  
302 margin of the record where such lien is recorded] of the town in which  
303 the real estate is situated.

304 Sec. 8. Section 49-91 of the general statutes is repealed and the  
305 following is substituted in lieu thereof (*Effective October 1, 2009*):

306 In any proceeding wherein a lien has been filed pursuant to the  
307 provisions of section 49-86, if the plaintiff therein has received  
308 satisfaction for his claim, or final judgment has been rendered against  
309 him thereon, or when for any reason the lien has become of no effect,  
310 the plaintiff or his attorney, at the request of any person interested in  
311 the estate liened or in having the lien removed, shall [lodge] record a  
312 certificate [with the town clerk] that the lien is removed [. Each such  
313 certificate shall be recorded at length in a book kept for that purpose  
314 by the] in the office of the town clerk as a part of the land records of  
315 the town wherein the property affected by the release is located or  
316 wherein the notice of lien was filed.

317 Sec. 9. Section 52-322 of the general statutes is repealed and the

318 following is substituted in lieu thereof (*Effective October 1, 2009*):

319 When the estate of any person has been attached in any proceeding  
320 wherein a certificate of such attachment or a copy of the writ or  
321 proceeding is required by law to be filed in the office of the town clerk,  
322 and the plaintiff therein has received satisfaction for [his] the plaintiff's  
323 claim, or final judgment has been rendered against [him] the plaintiff  
324 thereon, or when for any reason such attachment has become of no  
325 effect, such plaintiff or [his] the plaintiff's attorney, at the request of  
326 any person interested in the estate attached or in having the  
327 attachment lien removed, shall [lodge] record a certificate with such  
328 town clerk that such attachment is dissolved and such lien removed.  
329 Each such certificate shall be recorded [at length in a book kept for that  
330 purpose] by such clerk as a part of the land records of the town  
331 wherein the property affected by the release is located or wherein the  
332 certificate of attachment was filed.

333 Sec. 10. Section 52-324 of the general statutes is repealed and the  
334 following is substituted in lieu thereof (*Effective October 1, 2009*):

335 If an attachment, such as is set forth in section 52-322, as amended  
336 by this act, has been made and the plaintiff has withdrawn [his] the  
337 plaintiff's suit or has been nonsuited or final judgment has been  
338 rendered against [him] the plaintiff, or if such suit has not been  
339 returned, or if for any reason such attachment has become of no effect,  
340 the clerk of the court to which such suit has been made returnable  
341 shall, upon the request of any person interested, issue a certificate in  
342 accordance with the facts, which certificate may be [filed] recorded in  
343 the office of the town clerk, and shall by such town clerk be noted on  
344 the margin of the record where such attachment is recorded.]

345 Sec. 11. Section 52-327 of the general statutes is repealed and the  
346 following is substituted in lieu thereof (*Effective October 1, 2009*):

347 No attachment of real estate shall continue in force as a lien for a  
348 longer period than fifteen years after the date thereof unless within  
349 said period the action in which such attachment was made has been

350 prosecuted to effect and a judgment lien filed according to law. All  
 351 attachments of real estate which have expired as a lien by the  
 352 provisions of this section shall be deemed dissolved and the real estate  
 353 shall be free from any lien or encumbrance by reason of the same and  
 354 the [town clerk of the town in which such real estate is situated shall,  
 355 upon the request of any person interested, endorse on the record of  
 356 such attachment the words "discharged by operation of law"] plaintiff  
 357 or the plaintiff's attorney, at the request of any person interested in the  
 358 estate attached or in having the attachment lien removed, shall record  
 359 a certificate with the town clerk of the town in which such real estate is  
 360 situated that such attachment is dissolved and such lien removed. Each  
 361 such certificate shall be recorded by such clerk as a part of the land  
 362 records of the town wherein the property affected by the release is  
 363 located or wherein the certificate of attachment was filed.

This act shall take effect as follows and shall amend the following sections:

|           |                 |        |
|-----------|-----------------|--------|
| Section 1 | October 1, 2009 | 12-174 |
| Sec. 2    | October 1, 2009 | 12-175 |
| Sec. 3    | October 1, 2009 | 47-70a |
| Sec. 4    | October 1, 2009 | 47-270 |
| Sec. 5    | October 1, 2009 | 49-13  |
| Sec. 6    | October 1, 2009 | 49-88  |
| Sec. 7    | October 1, 2009 | 49-90  |
| Sec. 8    | October 1, 2009 | 49-91  |
| Sec. 9    | October 1, 2009 | 52-322 |
| Sec. 10   | October 1, 2009 | 52-324 |
| Sec. 11   | October 1, 2009 | 52-327 |

**Statement of Legislative Commissioners:**

Changes were made in sections 1, 2, 6, 8, 9 and 11 for consistency.

**JUD**      *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no anticipated fiscal impact associated with this bill.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sSB 1126*****AN ACT CONCERNING LAND RECORDS.*****SUMMARY:*****An Act Concerning Land Records***

This bill eliminates the duty of a town clerk to make a notation in the land records in connection with various documents recorded in the town's land records, including liens, mortgages, and certain condominium related documents. Instead, it requires that a discharge of lien or other document be recorded on the town's land records (see BACKGROUND). It also makes several related and conforming technical changes.

EFFECTIVE DATE: October 1, 2009

**§ 1 & 2 — TAX LIENS**

The bill changes the method of discharging municipal tax liens that have been continued, but not foreclosed, for 15 years from the date a certificate of continuation has been filed on the land records. Under current law, the lien is discharged when the town clerk files a notation on the margin of the certificate indicating it has been discharged by operation of law, together with the date and the town clerk's signature. The bill instead requires the tax collector to record a discharge of lien in the office of the town clerk of the municipality where the property is located upon the request of any interested party.

**§ 3 — RECORDED CONDOMINIUM INSTRUMENTS**

The bill eliminates the requirements that the town clerk make a marginal notation on the recorded original condominium instruments when the designation and agent for service of process named in the declaration has been changed.

**§ 4 — CONDOMINIUM OFFICERS OR MANAGING AGENT**

Under current law, a condominium's unit owner's association must file each January in the office of the town clerk of the municipality where the common interest community is located a certificate indicating the name and mailing address of the association's officer or managing agent from whom a resale certificate may be requested. It must also file a revised certificate within 30 days of any change in the officer's or agent's name or address. The bill instead requires the association each January to record in the land records that certificate as well as a revised certificate within 30 days of any change. The bill eliminates the town clerk's duty to keep such a certificate on file and make it available for inspection.

**§ 5 — INVALID MORTGAGES OR OTHER LIENS**

By law, the court can render a judgment declaring a mortgage or other lien invalid as to certain real estate. The judgment must be recorded on the land records. The bill eliminates the town clerk's obligation, upon the request of any interested person, to (1) endorse on the record of the mortgage or lien the words "discharged by judgment of the Superior Court" and (2) list the volume and page number in the land records where the judgment is recorded.

**§§ 6, 7, & 8 — LIEN IN CONNECTION WITH BOND IN LIEU OF ATTACHMENT**

By law, whenever a bond has been accepted in lieu of an attachment or in lieu of a previously accepted or ordered attachment bond, a notice of lien in favor of the attaching creditor and against the surety on the bond may be filed with the town clerk of the town in which the surety's real estate is located. The notice of lien constitutes a lien upon the real estate described in the notice.

By law, such a lien on real estate is no longer effective after 15 years unless within that 15-year time period (1) a legal proceeding was initiated to collect on the bond and a judgment was obtained and (2) a judgment lien was recorded against the surety on the land records.

All expired real estate liens are deemed dissolved and the real estate is free from any lien or encumbrance. The bill eliminates the requirement that the town clerk, upon the request of any interested person, endorse on the record of the notice of lien the words "discharged by operation of law." Instead, the bill requires the clerk to discharge the lien by recording a discharge of lien on the land records.

If (1) the suit has been discharged or dismissed, (2) final judgment has been rendered against the plaintiff, or (3) for any reason the lien has no effect, the court clerk must, upon the request of any interested person, issue a certificate specifying the facts. The certificate may be filed in the office of the town clerk. The bill eliminates the requirement that the town clerk note the certificate on the margin of the record where the lien is recorded.

## **§ 11 — REAL ESTATE ATTACHMENTS**

By law, no attachment of real estate remains in effect as a lien for more than 15 years, unless within that time the underlying legal action has ended and a judgment lien filed against the real estate according to law. All real estate attachments that have expired are deemed dissolved and the real estate is deemed to be free from any lien or encumbrance by reason of the attachment. Under current law, the town clerk of the town in which such real estate is situated must, upon the request of any person interested, endorse on the record of such attachment the words "discharged by operation of law." The bill instead requires the plaintiff or the plaintiff's attorney, at the request of any person interested in the estate attached or in having the attachment lien removed, to record a certificate with the town clerk that such attachment is dissolved and such lien removed. It requires the town clerk to record the certificate as a part of the land records of the town where the property affected by the release is located or where the certificate of attachment was filed.

## **BACKGROUND**

### ***Electronic Recording of Land Records***

By law, when any town clerk has recorded any instrument that the



town clerk knows to be a release, partial release, or assignment of a mortgage or lien recorded on the town's land records, he or she must make a notation on the first page where the mortgage or lien is recorded, stating the book and page where the release, partial release, or assignment is recorded. But a 2007 Public Act eliminates the requirement for a manual notation of such release, partial release, or assignment if such town clerk provides public access to an electronic indexing system that combines the grantor index and the grantee index of the town's land records (PA 07-252 § 53; CGS § 7-29). That act also requires that by January 1, 2009, each town must provide public access to an electronic indexing system (PA 07-252 § 56; CGS § 7-25a).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (03/27/2009)